

Court of Appeals, State of Michigan

ORDER

Eric L. VanDussen v Court of Appeals

SC No. 142950

Joel P. Hoekstra
Presiding Judge

Christopher M. Murray

Michael J. Kelly
Judges

On remand, we are directed to "articulate the reason why 'the fair administration of justice' warrants the denial of the plaintiff's request to film oral argument on May 10, 2011," in the case of *People v Anderson*, Court of Appeals Docket No. 300641. *VanDussen v Court of Appeals*, __ Mich __ (Docket No. 142950, issued April 27, 2011). We begin by noting that the remand order assumes that we denied the request pursuant to Administrative Order 1989-1(2)(b). Up to this point, however, we have not issued a written order in response to plaintiff's request. Rather, as has been the practice of the Court of Appeals, because no appeals either "by right or by leave" are permitted pursuant to Administrative Order 1989-1(2)(d), plaintiff was notified verbally by the Court's District Clerk that his application was denied. In any event, the application in this case was originally denied because we concluded that, based upon the minimal material submitted, plaintiff was neither the "media" nor a "media agency" as defined by Administrative Order 1989-1(1)(b).

However, since the issuance of the remand order we requested plaintiff to submit information relative to our concern, and he has submitted fairly voluminous material indicating that he is a free-lance journalist whose work has appeared in several general news publications and on some mainstream electronic media outlets. Based on this detailed information, we conclude that plaintiff meets the definition of "media" as he falls within the phrase "any person...engaging in news gathering," and so his request to record oral argument is GRANTED in accordance with the rules provided in Administrative Order 1989-1.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY - 2 2011

Date


Chief Clerk